



.Policies and Procedures
POLICY: Individual Amendment of Data
Policy #10
Effective Date: April 2, 2014

Purpose: Pursuant to HIPAA (45 C.F.R §164.526), an Individual generally has the right to request an amendment of Protected Health Information about the Individual that is contained in the Designated Record Set of a Covered Entity. This policy describes the role of the ILHIE Authority in ensuring that Individuals may seek to amend their Protected Health Information that is made available by a Participant to and through the ILHIE.

The ILHIE is not a repository of Designated Record Sets containing Protected Health Information for or on behalf of its Participants. The ILHIE currently facilitates the secure exchange of Protected Health Information between Participants for one or more Permitted Purposes. Participants are the originators and custodians of Individuals' Protected Health Information and Designated Record Sets. As such, the Participant(s) that maintain a Designated Record Set for an Individual requesting an amendment is the only entity that can evaluate the request and determine whether the amendment may be granted. The ILHIE Authority does not have the authority or access to amend Protected Health Information originated and maintained by Participant(s).

Policy:

1.0 Right to Amend. Upon the ILHIE Authority's receipt of a request from an Individual to amend the Individual's Protected Health Information, the Individual will be informed that the ILHIE Authority does not maintain the Designated Record Set containing the Protected Health Information and that the Individual should direct their request to the applicable Participant(s).

1.1 The ILHIE Authority will not directly process an Individual's request for amendment of his or her own Protected Health Information but will instead assist Individuals in requesting the amendment from the appropriate Participant(s).

1.2 Participants shall comply with an Individual's rights to amend Protected Health Information in accordance with Applicable Law.

2.0 Informing Other Participants. If an Individual requests, and the Participant(s) accepts, an amendment to the Protected Health Information about the Individual, the Participant(s), assisted by the ILHIE Authority, if requested by Participant, that made the amendment shall make reasonable efforts to inform and provide the amendment within a reasonable time to:

- (i) Other Participant(s) identified by the Individual or the ILHIE Authority as having received Protected Health Information about the Individual and needing the amendment; and
- (ii) Other Participant(s) that the amending Participant knows have received the Protected Health Information that is the subject of the amendment and that

may have relied, or could foreseeably rely, on such information to the detriment of the Individual.

- 3.0. Amendment to Individual Patient Matching.** If a Participant discovers or if it is notified by an Individual, or another person or entity, that the Protected Health Information received in response to an ILHIE query about a specific Individual is not the Protected Health Information of the Individual queried (also known as “patient matching”), the Participant will immediately inform the ILHIE Authority. The ILHIE Authority will immediately investigate and take appropriate corrective action.
- 4.0 Compliance.** Participants shall comply with these Policies and Procedures. The ILHIE Authority will monitor and enforce compliance with and adherence to these Policies and Procedures.
- 4.1** Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant’s compliance with these Policies and Procedures.

Procedures:

Participant Procedures

- 1.0.** The applicable Participant(s) will be solely responsible for determining whether to grant or deny an Individual’s request for amendment of Protected Health Information in compliance with Applicable Law.
- 2.0.** The applicable Participant(s) is responsible for accomplishing the amendment of an Individual’s Protected Health Information in compliance with Applicable Law, including but not limited to 45 C.F.R §164.526, its standards and implementation specifications.

ILHIE Procedures

- 1.0** The ILHIE Authority will facilitate Individual requests for amendment to the Individuals’ Protected Health Information by assisting in identifying to the Individual the Participant(s) who maintain the Individual’s Protected Health Information in a Designated Record Set, upon request.
- 2.0** The ILHIE Authority will cooperate in identifying to an Individual the Participant(s) that have accessed an Individual’s Protected Health Information in its pre-amendment form, upon request.

Associated Policies and References:

45 C.F.R §164.526

Enforcement

Information Systems Activity Review

Sanctions

Definitions

Applicable Law

Covered Entity

Designated Record Set

Individual

Participants

Permitted Purpose

Protected Health Information